PETERS SAID VOTE FOR COWING

TORPEY COULDN'T REMEMBER IT. BUT O'NEILL DID.

Torpey Merely Got an Inward Impression a Comprehension, That the M. O. Eleven Were to Vote That Way to Test the Sincerity of the Republican Party.

The reason for the sudden reversal of form on the part of the Municipal Ownership League eleven in the Board of Aldermen on January 15 was explained yesterday. Alderman Joseph M. Torpey explained it when he was called to the witness stand on the examination of Alderman William S. Clifford, who is charged with having accepted a bribe of \$6,000 to swing the votes of the M. O. L. eleven from John Palmieri to Rufus B. Cowing for Recorder. The votes

"The change to Judge Cowing was may to test the sincerity of the Republican party," said Alderman Torpey.

The case of Alderman Clifford came up at 11 o'clock before Magistrate Whitman, who sat in the little court room on the top floor of the Criminal Courts Building. Clifford who is out on bail that Little Tim Sullivan got for him, sat with his counsel; Abe Levy. All of the M. O. L. Aldermen were in court, including Henry Clay Peters, the leader, looking very grave. Mr. Peters is a leader in every sense of the word. All of the other M. O. L. city fathers looked at him and when he smiled they smiled On one occasion an Alderman notified the leader that he was going for a cigar before he went for a cigar.

Earl Harding, the reporter who caught Clifford in a trap, was the first witness called. Mr. Harding was the "Mr. Haskell" that figured in all the deals with Clifford and who finally passed to Clifford's stakeholder the \$6,000 on the morning of January 15. Harding merely recited what has been told before—how he had dickered with Clifford at the latter's home in Long Island City for eleven votes at \$500-each and \$600 lagnappe and passed over the money to the stakeholder in a saloon at Thirty-fourth street and Third avenue. An hour or so later the votes were delivered in the chamber of the Aldermen.

A laugh was raised when Harding testi fled that he had made Clifford agree not to allow Peters to make one of his oratorical efforts in nominating Cowing, but to have the vote cast without any oratory, lest delay bring disaster. Clifford had told him that the eleven were being approached by the Tammany crowd (which caught them on the rebound) and that already he feared he couldn't keep one of his men from voting for McAyov. If any of the eleven votes got away \$500 was to be returned to the purchaser by the stakeholder.

At the afternoon session Alderma Torpey was the first witness. Mr. Torpey is a round man with a florid complexion and filled the witness chair to overflowing Torpey admitted that he had voted right

along for Judge Palmieri until the day others voted for Cowing, and that he did as they did. Torpey was positive that he hadn't seen any one in regard to the him about it, and he said with great

"It was the impression that we should vote for Cowing. I got it and did as the other boys did. Clifford was first on the list numerically among our set, and when he voted for Cowing we all took it for granted that it was Cowing whom we should vote for, and we did."

Alderman Torpey denied absolutely that he had conferred with anybody, and stuck to his story that he merely voted for Cowing when he saw Clifford and the others doing so. He explained that he was the last to be called among the M. O. L. Aldermen. "Did you talk to any one about voting

"I can't say exactly that I did. Some one might have spoke to me in passing. I can't remember, I—I—well, the impression seemed to be around."

Magistrate Whitman out the Alderma "Now, see here," said he, "you can answer that question. Did you talk with any one

about Judge Cowing?" Torpey squirmed, twisted his hands and body, turned red, and finally admitted that

he had spoken to Alderman Leverett. "Why did you tell him that?"

"Well, it was the idea, the impression got. I mean a sort of inward impression

[tapping his chest with his fingers]. I got the comprehension that we were to vote for Cowing to test the sincerity of the Republican party."

Torpey finally admitted that he had heard Clifford say "vote for Cowing." He made this admission after the Grand Jury minutes were sprung on him and his testi-mony there was shown to be badly con-tradicted. He finally remembered more and thought that a lot of the M. O. L. Aldermen had got together and agreed to vote for Cowing in the committee room before the roll was called in the Aldermanic cham-

The prosecution's case against Clifford shows that Clifford arrived at the room of the Board of Aldermen just about 12:80 o'clock, after agreeing to deliver the vote of the eleven men for Cowing and then to collect the \$6,000 after he had made good. Meanwhile, uptown, the stakeholder, Mann, had been arrested. After the vote had been delivered Clifford put uptown to get the money from Mann, got it, and was arrested

Alderman Torpey's testimony about the conference in the committee room was nteresting in view of the fact that at the time he said it occurred, about 12:30 o'clock, Clifford had arrived after the money had

been put up with Mann. In speaking of the conference in the committee room when it was decided to vote for Cowing, Alderman Torpey caused

a laugh when he said: "I think there was some slight talk about the matter. I think Alderman Leverett

That demurrer must have been over ruled," put in Abe Levy, to the great amuse

ment of those in the court room. An attempt was made to learn from Torpey whether or not Alderman Peters had said anything at this conference. Torpey hemmed and hawed. Magistrate

that made the highball famous. - 464.

Whitman brought him up with a short turn | WENDEL MUST STAND TRIAL. by asking: Did Peters say anything at all?"

"He said all right and passed right out, was the reply.

Torpey was willing to go on record as testifying that the only explanation he could give for voting for Cowing was that the others did so and that he did as they did. He said that Peters was the leader of their group and that they all did as he This caused Peters to beam upon all hands from his seat in a corner.

Alderman Francis J. O'Neill, the next

itness, came right out and said that Peters had given the Cowing orders. "Peters said: 'We're going to vote for

Cowing to-day,'" testified Alderman O'Neill.
"To-day, eh?" put in Assistant District Attorney Smyth "Did that mean that you were likely to switch from one to snother according to the arrangements that were

"All I know is that we took our orders from Peters," answered O'Neill. "I think Peters said we would test the sincerity of the Republican party.'

"Did you have reason to believe that the Republican party was insincere?" put in Abe Levy, who, although counsel for defendant, was having as much fun out of the case as any one else Levy didn't bother much with the Alder-

He merely asked each whether or not Clifford had ever offered him a reward or compensation for voting for Cowing or any one else. All answered in the negative.
Alderman O'Neill said that he merely did as Peters told him. "Then you are absolutely shackled to

mother man?" he was asked. "Yes," replied the Alderman meekly.

Alderman Harry L. Leverett, a breez young man with dark complexion and great shock of black hair, was the last ess called. He said in justifying his flop to Judge Cowing that he was a great candidacy from the start.

Assistant District Attorney Smyth asked Leverett what he had meant when during the noon recess yesterday he had said to Alderman Falk:

"I wonder who Clifford meant when he old that guy Harding that he was having hard time keeping one of the eleven men rom switching to McAvoy? I wonder if e meant me?"

Leverett was greatly astonished when asked this, and after thinking for some time e said that he had made that query of Alderman Falk, but had done so in joke The case will be resumed at 11 o'clock this morning. Henry Clay Peters will make

REVISE TARFFF, SAYS GOV. GUILD. Plans to Have Massachusetts Appeal to President for Changes.

BOSTON, Jan. 30 .- Gov. Guild to-night gave out the report of the committee of ousiness men appointed by him to attend he national convention for the extension of the foreign commerce in Washington

In doing so he announced that he had prepared an address to the President and Congress urging immediate favorable consideration of the recommendation of that gathering for changes in the tariff. Gov. Guild says that it is inexpedient to

ask the Massachusetts Legislature to adopt tariff revision resolution, but he hopes sign his address. Ten Massachusetts industries

resented at the conference and Charles H. Jones was selected by the delegates to re port on the gathering to Gov. Guild. Mr. Jones says that the most satisfactory feature was the disclosure of an overwhelming sentiment in favor of immediate tariff re-

Gov. Guild says: "I am gratified to learn that the sentiment in favor of an mmediate tariff revision was overwh needed for the maintenance of important American industries should be retained but that the test should be not a duty demanded, but is a duty needed."

EPIDEMICS SCARE CHICAGO. Extraordinary Precautions Taken to Pre

vent Spread of Contagious Diseases. CHICAGO, Jan. 30.—Extraordinary pre-cautions marked the advance of epidemio

onditions in Chicago to-day. It is estimated that the total contagious diseases is 15,000.

Commissioner of Health C. W. Whalen issued a call to the people of Chicago to cancel social gatherings and other public meetings for a few weeks in order to aid the department. This followed the official announcement that scarlet fever and diph-theria cases reported yesterday and to-day indicate that the epidemic has advanced

Churches, Sunday schools and theatre were not included in Dr. Whalen's request, The commissioner explained that while he desired the assistance of the public he did not believe it necessary to go further than his request indicates. He declared that it was not the opinion of the department that it would be wise to order the closing of any public schools, and the new medical inspec tors in the department were working toward preventing the spread of disease through

Three hundred and fourteen new cases of scarlet fever, fifty-five of diphtheria and the health board to-day.

AID FOR JESSAMY BRET HARTE.

New York People Send Poet's Daughte PORTLAND, Me., Jan. 30 .- Bret Harte's daughter, Mrs. Jessamy Steele, who is in the Portland city poorhouse awaiting financial assistance, received two letters a check and an expression of for her unfortunate condition.

A third letter notified her of the arrange-ments that are being made by Eleanor Robson and others in New York for a benefit in her favor.

She asked the matron, Mrs. Seeley, t night to inform the public that she deeply her behalf.

Acting on the suggestion of J. Aspinwall Hodge of New York, astorney for her hus-band, Milford Steele, a local attorney was to-night retained to look after her in terests until she can be removed to a sant

Latest Marine Intelligence, Arrived: Ss Koenigin, Luise, Gibraitar, Jan. 71.

FLORIDA. CUBA AND SOUTH

GOV. HUGHES RESCINDS ORDERS DISSOLVING THE COURT

Governor Says the Orders Were Not Authorized by Him and Directs That the Court Confinue Its Proceedings.

ALBANY, Jan. 30.- Capt. Louis Wendel of the First Battery, New York city, cannot resign from the National Guard to having to appear before a court of inquiry to answer to charges of conduct not becoming an officer. To-night Gov. Hughes rescinded the orders issued by Aditt-Gen. Henry yesterday, granting Wendel a discharge pursuant to his request to be permitted to resign. Nothing like this has happened within recent years in the National d, and the effect of the Governor's action will cause not a little dismay in some circles. It has always been the custom to permit at officer to resign when he wanted to, and, therefore, a number have resigned under circumstances that hinted of a great desire to escape a court of inquiry. Tonight Gov. Hughes issued the following order, it being probably one of the first in some years that really came direct from a Governor in his capacity as Commande Chief of the National Guard:

GENERAL HEADQUARTERS STAFF. ALBANY, Jan. 30, 1907.

Special Orders No. 22.

Paragraph a ef Special Orders No. 21,
January 29, 1967, from this office, purporting
to accept the resignation of Capt. Louis Wendel, First Battery, N. G. N. Y., and to disharge him from further service in National Guard, not having been authorized by the Governor, is hereby in all respect

Paragraph 2 of Special Orders No. 21, Jan uary 29, 1907, from this office, purporting to dissolve the court of inquiry appointed by Special Orders No. 186, as amended by Special Orders No. 187, from this office, not having been authorized by the Governor, is mareby in all respects rescinded.

Paragraph 3—The court of inquiry, app-

cointed as aforesaid, is hereby directionvene and continue its proceedings. command of the Governor.
NELSON H. HENRY, Adjt.-Gen.

Further than issuing the above orders Gov. Hughes would make no comment Gen. Henry is known to feel his position keenly and the action taken by the Gov-ernor is indicative that he intends to know more of what is going on in the National Guard. Gen. Henry said that he merely followed the usual course of permitting a man to resign when he wanted to do so, and as he had turned in all of his State property and his accounts were all right Gen. Henry could see no reason why he shouldn't be permitted to leave the guard, but the Governor views matters in a different light. If the man is guilty he be-lieves he should be made to suffer all the ment that the military code pro-or instead of taking refuge behind

Gov. Hughes spent almost all of his entire day in studying this matter. The first thing done this morning by him was to summon Gen. Henry to the executive chamber and they were in conference private room for so Judge Advocate Geerge H, Lawyer, who was to have prosecuted the charges against Capt. Wendel, was sent for. Occasionally Gen. Henry left the Governor's room and each time he came back with books under his arm. At noon the Governor announced that he was making a study of the matter to see if he was in any way responsible for such orders. His attention had never been called to the case and he knew nothing of the order granting the discharge until he had read it in the papers. Gen. Henry followed a past custom of issuing the order without taking the trouble to notify the Governor, showing how slipshod matters are run in the military end of the State

That Gen. Henry, who is a National Guards-man and was a member of Major-Gen. Roe's staff prior to becoming Adjuvant-General B. Odell, Jr., accepted a resignation of this kind is a matter of considerable comment Every act of Capt. Wendell's shows a gr desire on his part to avoid appearing before a court of inquiry to answer the charges against him. This was shown when he forwarded his resignation to Gen. Henry on January 22 and was followed up to days later with a request that the resignation be accepted and he (Capt. Wendel) would waive all of his rights to an honorable dis-

charge. Gen. Henry did that.

To-day for the first time the Governor learned of the facts in the case. After the morning session he sent for other military men and was in consultation with them up to to-night, when the order rescinding the orders of yesterday was issued. It is known that other military men have been permitted to resign in order to escape courts of inquiry in the past, but no at-tention was ever paid to them, because the Adjutant-General has been permitted to do as he pleased in all matters pertaining to

the military. A bill introduced by Senator Wemple to-day has some bearing on the Wendel case. It provides that in the future all armories shall be State changes instead of county charges. The armories in New York city would then be under the control York city would then be under the control of the State Armory Commission instead of the New York City Armory Board, under which body the abuses for which Capt. Wendel was to be tried have sprung up. It is said that, while it is not generally known, in other armories there will be found "graft" if the subject is looked into. Gen. Henry's order accepting Capt. Wendel's resignation is as follows:

Capt. Louis Wendel, First Battery Light Artillery, N. G. N. Y., having withdrawn his request for a court of inquiry and tendered his resignation, such resignation is hereby asservice in the National Guard.

service in the National Guard.

The court of inquiry appointed by Special Orders No. 186, S. 1906, from this office, as amended by Special Orders No. 187, S. 1906, from this office, of which Brig.-Gon. James H. Lloyd, Third Brigade, is president, is hereby dissolved. By command of the Governor.

NELSON M. HENRY, Adjutant-General.

Grover Cleveland to Address Chies Union League. CHICAGO, Jan. 30.—Grover Cleveland will

e the chief speaker at the Union League Club's celebration of Washington's day, February 22.

The invitation was accepted by Mr. Cleveland in a letter received by Chairman W. F. Sidley of the political action committee, who is a close personal friend of

SAVANNAH LINE TO PLOBER Superior service, new ships, low enqui-outh. Telephone 200. Spring.—Ada

HAD TO KILL HIS FATHER Or See His Father Kill His Mother, Says

Alfred Liewellyn, Jr., 19 years old, of 1913 Second avenue, shot his father, Alfred Liewellyn, a carpenter, 46 years old, last

According to the boy's story, which was corroborated by his mether, Elizaboth, the father had been drinking heavily and when he got home from work last night abused his wife. He finally clinched in a stauggle with her and the two fell to the floor. Alfred, Jr., fearing that his mother was being badly hurt, ran to the next room and got his father's revolver. He almed carefully and fired a shot, which entered his father's back and lodger in the

ately. Alfred ran below and notified Flower Hospital by telephone. Surgeon Day, who come with the ambulance, said that there was little hope for the father's re-Alfred rode to the hospital with his fathe

and then gave himself up, declaring it was a clear case of having to kill his father or see his father till his mother. BRIDGE FALLS ON TRAIN.

orts Knocked From It by Brighton The last car of a Brighton Beach elevate

railroad train, running on the groun toward Coney Island, split on a switch ne Newkirk avenue last night and ripped things up so that no cars could be run from Ave-nue C to Newkirk avenue for a long time. To avoid a grade crossing, the tracks are being depressed from Newkirk avenue north to Church avenue and there is only a single track at that place, with a swill

for cars to wait on until the road is clear. A four car train from New York came bound in was waiting on the switch. The forward trucks of the last car of the New The York train cleared the switch, but the rea trucks caught the other rails and ran that way. The pull tore the rear car from the New York train and the rear trucks of the third car came away as well. The trucks that caused all the trouble zipped along toward the first car of the waiting train and bumped that. Little damage was done

The fourth car, which was turned side ways, swept through the cut and brought up against the supports of a temporary vooden bridge connecting Newkirk avenu he bridge came down with a crash.

ersons in the car that was derailed out of about twenty in it being shaken up. They went to their homes without giving the

As a result of the breaking of the bridge and the debris on the track trains were shuttled between Fulton street and Avenue C on one side and Newkirk avenue and Coney Island on the other. EX-GOV. HIGGINS RALLIES AGAIN.

se Much Improved That His Physician Ro OLBAN, N. Y., Jan. 80 .- To the surprise of all ex-Gov. Higgins, who was near death's door at an early hour this morning, railied to-day, and though somewhat weaker is resting fairly well to-night. To Hibbard, who had been at his side all day, has gone to his home and retired for the night. He said there was a bare chance

of his being called before morning, but that he did not anticipate it. He said the Governor had a bad night and was very sick and weak, but that h too early to expect to see much of an effect. The Governor's heart is in such condition that opiates are precluded from his treat-

PHILADELPHIA WON GRAFT SUIT. Court Held Contracts Void, and That \$1 000,000 Must Be Accounted For.

isliberation over the suit of the city against the McNichol contracting firm to recover profits made in the construction of the filtration plant, Judge Beitler to-day decided that the contractors must account for \$3,000,000 of the \$5,000,000 for which the

profit on the whole job was only \$100,000 It being apparent that when McNichol was in councils he was voting contract to the firm in which he was represented by his wife, the Judge declared that all contracts got by the firm at that time were illegal. He allows the firm cost of work on five finished con-

tracts, but disallers all profits.

He decides that the Mayor was right i annulling the contracts for the unfinish

In his opinion the Court took occasion to make some remarks regarding the effect of political bosses on a community.

ELEVATED CAR ABLAZE. Fire Causes a Belay of Half an Hour on the

A car on a southbound Sixth avenue elevated train caught fire at the Franklin street station at 5 o'clock last evening. At the Twenty-third street station so thing went wrong with the insulation on the rear shoe. Sparks flew out and occa-sionally a flame would shoot up, but it was not until the train had almost reached Franklin street that the car caught fire.

Then the passengers were ordered off at
the platform. Firemen who were called
extinguished the blaze. But in the meantime the power was shut off on both tracks Trains were caught between stations all along the line and the passengers had to sit in the cars and wait. It was half an hour before the power was turned on again.

DISREGARDS DAKOTA DIVORCE.

STAMPORD, Conn., Jan. 30,—Judge Ralph Wheeler of the Superior Court has handed down a decision in the case of Samuel A. Weed vs. Daisy C. Weed of Stamford in which

got a divorce from Weed and married again, but the first husband refused to coept the decree and five years ago brought After the Dakota divorce Mrs. married Charles F. Bates of Stamford and

THE CANAL CONTRACT HELD UP

NO AWARD MADE, EVEN PROVI-SIONALLY, TO W. J. OLIVER.

It is Denied at the White House That Any Assurance Has Been Made to Otiver That He Will Get the Contract Even If He Secures Acceptable Partners.

WASHINGTON, Jan. 30 .- At the White House this evening it was declared emphatically that no decision has been reached that William J. Oliver is to have the contract for the construction of the Isthmian Canal. Earlier in the day the same announcement was made, although not in as formal a way as the written statement furnished this evening by Secretary Loeb. Not only does the announcement declare that the contract has not been awarded to Mr. Oliver, even provisionally, but it opens the possibility of the work going to the MacArthur-Gillespie combination, which submitted the only bid other than that of

Mr. Oliver to receive serious consideration.

For several days there have been symptome of a desire on the part of the Presider to have the Government do the work, and i is believed that this may be done. The statement of this evening indicates that it is possible.

Mr. Oliver and his associates are surprised over the attitude taken by the Administration. They refuse to talk openly about the matter, but it is known that since last Sunday, when an announcement was made that Mr. Oliver would have an opportunity to get the contract, they have thought that all that stood between them and the contract was the forming of an association of contractors which would meet the requirements of the Government. Most peo-ple considered that the whole matter was closed, for Mr. Oliver said that he could get associates who would be satisfactory to the Government and that he would meet every requirement made by the Canal Com-

From the White House it is declared that no assurances "of any form, shape or manner" have been made to Mr. Oliver that he would get the contract. Instead, it is de-clared, Mr. Oliver was told that he must, within ten days, associate with him at least two partners and that then consideration would be given his bid. The statement from the White House follows:

"Reports in the papers seem to indicate a belief that the canal contract has been conditionally awarded to Mr. Oliver. This is not so. No decision has been made even that the contract will be awarded to any of the bidders.

"Mr. Oliver's bid was so hopelessly de fective that it could not be even considere and time was given him to complete it in shape that will enable it to receive consideration. If it is put into such shape it will be considered, together with the bid siready made by the MacArthur-Gillespie combination, which may itself be altered, and then whichever bid, after the mos careful examination, seems most advantageous may be taken; or both bids rejected and the canal be constructed under the direct supervision of the Government. In such case the Government simply as agents.

"The real object in contracting the work is to have assembled a large number of the best specialists in each class of work; and the prime consideration will be the ability and fitness shown in a variety of directions by the man making the bid. The President and the commission would not even consider a bid of merely one or two men. The work is already going well. Over half a million cubic yards were taken out of the Culebra out in January, and the amount being taken out is steadily increas-

Mr. Oliver since he was informed that his first partner, Anson M. Bangs, was not acceptable to the Government, has been negotiating with other contractors and has about completed his combination. His efforts in this direction will not be retarded by the statements made from the White House, but he will go ahead and perfect his organization and will then ask that his bid be accepted.

The MacArthur-Gillespie company ha been informed that it might modify its bid if it saw fit. This company, however, has already informed the Government that a price as low as | 8 per cent. the MacArthuras no longer ambitious to undertake the work. There is no expectation that this concern will modify its original bid, and the alternatives are that Mr. Oliver and his new associates will get the contract or the canal will be constructed by the

Government.

The official statement of to-day indicates that the Government is in the mood to throw out all bids and go ahead with the work itself. The last sentence of the statement which tells of the good progress of the work under the present system is regarded as significent and tending to show that the Government is able to do the work and that it will be unnecessary to adopt the contract scheme.

STEVENS MEANS TO STICK. Says He Wants to Have a Hand in the World's

ALBANY, Jan. 30.-When Gov. Hughes' ttention was called to the news that State Superintendent of Public Works Frederick C. Stevens was to be the financial backer C. Stevens was to be the financial backer of Contractor Oliver to build the Panama Canal and he was asked if he thought the new Superintendent of Public Works would resign his position in the State service, the Governor replied:

"My knowledge of the kind of man Mr. Stevens is leads me to say that he will fill his position as State Superintendent of Public Works for the two year term appointed."

Mr. Stevens said that he would remain, adding: "I will thus add my share to building the two biggest canals in the world. However, in the Panama Canal my position will be that of a financial backer, while here I will have some supervision."

JOBS FOR CUBAN DISTURBERS.

Special Cable Despatch to THE SUN HAVANA, Jan. 30.—Gen. Arencibia Gen. Baldomero Acosta, rebel leaders, have received political jobs to keep then quiet, as both threatened to start a revolu tion. Acosta for the last two days has been talking loudly against the Americans saying that within three years he will compel the Powers to take Cubs and expel the

WHITELEY WAS BLACKMAILED. Murder an Incident of Plot Which Had Bee

in Operation 25 Years. Special Cable Despatch to THE SUN. LONDON, an. 31 .- The Mirror says it learns that revelations are impending in connection with the late Mr. Whiteley which will bare one of the most remarkable cases

of blackmall in the history of crime. Mr. Whiteley, the paper says, was blackmailed for twenty- ve years by persons professing to know one of the secrets of his middle life. He paid thousands of pounds

to avoid the risk of scandal. His murderer was only a minor, actor i the plot. He was sent by others the day of the murder to attempt to extert a large sum from Mr. Whiteley. The police are

about to arrest others. COLORADO'S FIRST WOMAN JUROR She Is a Fluffy Blonde and Voted to Give a

DENVER. Col., Jan. 30 .- "Hilda Smith!" As the clerk in the County Court cailed the name this afternoon a young woman with masses of fluffy, golden hair and dancing blue eyes, stepped jauntily for-ward and Colorado's first taleswoman was ready to "answer truthfully all questions touching upon her qualifications to sit as a fair and impartial juror in the

case at bar. Miss Smith was empanelled upon as open venire in the trial of a divorce case and sat in the jurors' box beside five men

with no signs of trepidation. "Gentlemen of the jury—" Judge McCall paused in his instructions when he glanced at the smiling face of the gir juror, "and lady of the jury," he added

gallantly, and then proceed The jury found in favor of the plaintiff and gave him a decree upon the ground of

desertion.

Miss Smith collected \$1.50 and resumed the work with which she is more familiar that of gathering news. "It is not hard work," said Miss Smith

but I have no desire to become a pro

fessional juror." RUSSO-GERMAN MARRIAGE. "Times" Has Rumor of Alliance Between

Imperial Families. Special Cable Despatch to THE SUN LONDON, Jan. 31.-The St. Petersburg correspondent of the Times says it is reported in court circles that there are prospects of a matrimonial union between th

imperial families of Russia and Germany. MRS. LESLIÈ CARTER ENJOINED. She Must Produce "Cleo" as Royle Says or Not at All.

Justice Leventritt of the Supreme Cour granted yesterday the application of Edwin Milton Royle, playwright, for a permanen injunction restraining Charles B. Dillingham and Mrs. Lesii Carter-Payne from staging or producing the play "Cleo," of which Mr Royle is the author.

Royle objected that Mrs. Payne and he manager had altered the lines and stage effects of the play to suit their own ideas He insisted that the contract between them called for the production of the play as he wrote it or not at all, and that also he had retained in the contract the right to supervise the production and to in obedience of the actors to his ideas as the

author of the play. Dillingham and Mrs. Payne insisted that the changes made by them were merely beneficial and necessary for the success of the production. Justice Leventritt says that as the work is undoubtedly Royle's the Court cannot apply the canons of literary taste to modify the contract. The public alone can determine the literary ethics of

the situation. \$5,000,000 FOR ALMSHOUSES.

Special Cable Despatch to THE SUN. LONDON, Jan. 30 .- The Globe says that William Whiteley, the "Universal Provider, who was murdered in his department store in Westbourne Grove last Thursday by Howard George Rayner, bequeathed \$5, 000,000 for the purpose of providing alms-houses for the aged and deserving poor.

Mr. Whiteley also bequeathed \$38,500 to the hospitals of London, \$25,000 to be invested by trustees, the income to be devoted to Christmas gifts, and \$25,000 for the promo tion of cricket, football, rowing and swim-

NEGRO SOLDIERS SCATTERED.

WASHINGTON, Jan. 30 .- The Senate Committee on Military Affairs is beginning to realize the difficulties in the way of securing witnesses for the Brownsville inquiry. The dischared soldiers are scattered from

The committee members were much sur prised to learn to-day that the soldier witnesses they evidently expected to find in the vicinity of Brownsville, Tex., or Washington are distributed among the States and are widely scattered. Most of them are without funds, and the Government must advance the money to bring them to Washington to testify. All of this will entail much expense and trouble. The sergeant-at-arms was busy to-day trying to locate them by wire. One member of the committee predicted to-day that the investigation would cost over \$50,000.

SPRINGER'S BAIL FORFEITED.

John R. Springer, manager of the Grand Opera House, did not appear in the Court of Special Sessions yesterday when his case was called for trial on a charge of giving Sunday performances. The case had been adjourned several times on Springer's excuse of illness. Yesterday the Justices of the court, Judge Wyatt presiding, declared his bail of \$300 forfeited and issued heach warrant for his arrest. a bench warrant for his arrest.

BURGLARS AT GEN. BUTT'S.

There was a burglar scare last night in the home of Gen. McCroskry Butt, 8 West Fifty-second street. Neither the General nor Mrs. Butt was at home, their son, Robnor Mrs. Butt was at home, their son, Rob-ert, being the only occupant of the house. He heard the burgiar alarm sound and lost no time notifying Police Headquarters. Policeman Charles O'Neil of the East Fifty-first street station discovered that the aky-light of the residence had been jimmied. He traced footsteps over the housetops toward Fifth avenue, but no burgiar was found.

DEWEY'S PURE GRAPE JUICE.

BELL CONFESSED TO BROTHER

ALL NIGHT INQUISITION ENDS IN STORY'S REVELATION.

Told How He Murdered Dr. Townsend-Was in His Hedroom an Hour Debating Whether to Kill Him-Sight of Bocter's Children Made Him Hesitate.

Howard Bell, a half brother of John Bell, the trolley car conductor, who is locked up charged with having murdered Dr. Charles Wilmot Townsend in Staten Island early on Saturda, morning, admitted vesterday that John had made a confession of guilt to him. The half brother, who is 22 years old, related to Coroner Cahill and District Attorney Kenney of Richmond county the story of what occurred on the night of the murder, as he got it from the

accused man. John, he said, made his confession on Sunday morning, a little more than twentyfour hours after the crime had been committed. At the time practically the entire Bell family-the father, the stepmother. the sister, John and Howard-were together at the father's home, 648 Hart street, Brooklyn.

John had been acting peculiarly and thyy had begun to suspect him. An even ig paper which had contained an account of the murder had disappeared mysteriously from the house on Saturday afternoon, before anybody in the family had had a chance to read it, and again on Sunday morning the page of the dally paper which told of the tragedy had been torn out and lestroyed. Members of the family were talking over these things when John called his half brother into the front room. According to Howard, John said:

"Howard, I destroyed those papers.

I burned them up. I didn't want the folks to know about it, but I have avenged Mame's death. I have done up Dr. Townsend."

By Mame the accused man meant his wife, who died just a year from the day and hour on which Dr. Townsend was shot. The doctor had attended her at the Smith Infirmary in Staten Island. John, according to his half brother, had gone over to Staten Island on the ferryboat on Friday evening; had hung around the doctor's house at 5 Westervelt avenue, New Brighton, until about 3 o'clock in the morning and then had entered it. Howard couldn't tell how the accused man had got into the nouse, and he didn't know whether he had

worn a mask or not. John told him that he was in the house fully an hour before he did the shooting. The greater part of that hour, according to the brother, was spent in the bedroom on the second floor where the doctor and his wife were sleeping. John told him that he was debating in his mind then whether he ought to kill the doctor or not. In the next oom were their two youngest daughters.

The intruder evidently had seen the girls

in his search for the doctor, for he admitted, according to his brother's statements, that the thought of them caused him to falter in his purpose, and he began to debate in his mind whether he ought to deprive these children of their father. Then the thought came to him that the doctor had deprived "he would do it anyway.

The most of this thinking, the younger Bell said, took place near the bed where the doctor and his wife lay. When John's mind was made up finally, according to the story of the confession, he awakened the doctor but the younger Bell couldn't say how. The doctor, Howard had been told, ex-

claimed:
"If you are here to rob, take what you can find but do not harm my family or me."

John Bell is said to have replied: "I want none of your things; I want The prisoner's brother could tell nothing more of what occurred in the house except that John said he fired his revolver. He couldn't say how John left the house or whether he had cut the telephone wires in the dining room. He did say that John told him he was held up by a policeman when he was on the way to the ferry slip. This policeman, according to the story, wanted to know why John was in so much of a hurry, and the trolley car conductor replied that he was a "news reporter" hurrying back to the city. That apparently satisfied the policeman. Nothing has been reported to the West Brighton

Howard Bell told the Coroner further that his brother had said that he did not intend to kill Dr. Townsend at one time after he started for Staten Island but only

to wound him. The police have a theory that Bell may have waited in the house for the exact anniversary to the minute of his wife's death before firing the fatal shots. They suggest, too, that he may have lingered in the bedroom to gloat over his approaching revenge. Inspector Schmitt-berger declared that the circumstances disclosed one of the most, remarkable

types of criminals he had ever seen.
It was about 8:30 e'clock in the morning when John Bell reached his father's hor n Brooklyn on Saturday. His stepmother told the Coroner that he seemed to be nervous, but when she asked him whether he had been out all night having a good time he replied: "Yes, a fine time."

The story of the confession was obtained from members of the Bell family only after they had been subjected to a severe ordeal in Inspector Schmittberger's rooms in the new Borough Hall at St. George The inquiry before the Coroner and the District Attorney began at 4 o'clock on Tuesday afternoon and continued almost without interruption until 8 o'clock yes-

terday morning.

Members of the family had been under fire for more than fourteen hours before they made any damaging admissions. At first all denied that they had any knowledge of John Bell's connection with the crime. Some of them denied that they had ever heard of Dr. Townsend, but ad mitted that they had heard the accuse man speak of a Staten Island physician. There was a strong protest on the part of the family against staying in the Borough Hall all night, but the Coroner threatened to hold them if they attempted to leave.

At 6:30 o'clock in the morning practically to headway had been made in getting evice against the prisoner, although many onflicting statements had been made. Finally the Coroner threatened to arrest some members of the family and hold